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Ultimate Fighting Championship and UFC
16

17 UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA
19

20 Cung Le, Nathan Quarry, Jon Fitch, Brandon
Vera, Luis Javier Vazquez, and Kyle
21 Kingsbury on behalf of themselves and all
others similarly situated,
22

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting
Championship and UFC,

26 Defendant.
27
28

Case No.: 2:15-cv-01045-RFB-(PAL)

**APPENDIX OF EXHIBITS IN
SUPPORT OF DEFENDANT
ZUFFA, LLC'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

APPENDIX OF EXHIBITS

Pursuant to Local Rule IA 10-3(d), Defendant Zuffa, LLC (“Zuffa”) submits this Appendix of Exhibits in Support of Defendant Zuffa, LLC’s Opposition to Plaintiffs’ Motion for Class Certification. The Exhibits noted below are attached as exhibits to the Declaration of Stacey K. Grigsby in Support of Defendant Zuffa, LLC’s Opposition to Plaintiffs’ Motion for Class Certification.

Exhibit	Description	Date
1.	Declaration of Professor Robert H. Topel (“Topel Decl.”)	4/6/18
2.	Expert Report of Professor Robert H. Topel (“Topel Rep.”)	10/27/17
3.	Expert Report of Roger D. Blair (“Blair Rep.”)	11/15/17
4.	Expert Report of Paul Oyer (“Oyer Rep.”)	10/27/17
5.	Expert Report of Dr. Hal J. Singer (“Singer Rep.”)	8/31/17
6.	Rebuttal Expert Report of Dr. Hal J. Singer (“Singer Reb.”)	1/12/18
7.	Expert Report of Dr. Andrew Zimbalist (“Zimbalist Rep.”)	8/30/17
8.	Excerpts of 30(b)(6) Deposition of Kirk Hendrick on Fighter Contracts (“Contracts Dep.”)	11/29/16 11/30/16
9.	Excerpts of Deposition of Plaintiff Jon Fitch (“Fitch Dep.”)	2/15/17
10.	Excerpts of Deposition of Denitza Batchvarova (“Batchvarova Dep.”)	1/25/17
11.	Excerpts of 30(b)(6) Deposition of Ike Lawrence Epstein on Acquisitions (“Acquisitions Dep.”)	12/2/16
12.	ZFL-1470651 (Declaration of Stephan Bonnar)	9/14/11
13.	ZFL-1470629 (Declaration of Kenny Florian)	9/15/11
14.	ZFL-1470592 (Declaration of Brandon Vera)	7/25/11
15.	Excerpts of Deposition of Javier Vazquez (“Vazquez Dep.”)	2/14/17
16.	Excerpts of Deposition of Kyle Kingsbury (“Kingsbury Dep.”)	2/17/17
17.	ZFL-1470622 (Declaration of Joe Lauzon)	10/7/11

Exhibit	Description	Date
18.	ZFL-1470624 (Declaration of Jim Miller)	11/12/11
19.	ZFL-0414108 (Exclusive Promotional and Ancillary Rights Agreement between Zuffa and Plaintiff Jon Fitch)	1/7/17
20.	ZFL-0003678 (Exclusive Promotional and Ancillary Rights Agreement between Zuffa and TEI (Plaintiff Brandon Vera) (Dec. 7, 2009))	12/7/09
21.	ZFL-0500355 (Exclusive Promotional and Ancillary Rights Agreement between WEC and Plaintiff Javier Vazquez (Sept. 22, 2010))	9/22/10
22.	ZFL-0510939 (Notice of Extension of Term of Promotional Agreement and related emails)	10/18/11
23.	ZFL-0833941 (Notice of Extension of Term of Promotional Agreement)	4/1/15
24.	ZFL-0091127 (Notice of Termination of Promotional Obligations of Zuffa, LLC)	3/28/14
25.	ZFL-0500961 (Emails between Zuffa employees re: Josh Thomson Offer from Bellator)	8/10/15
26.	ZFL-0500960 (Letter from Zuffa to Josh Thomson waiving right to match)	8/11/15
27.	Fox Sports article titled "Aljamain Sterling inks new deal to say with the UFC"	2/15/16
28.	Excerpts from Deposition of Michael Mersch ("Mersch Dep.")	7/14/17
29.	ZFL-0818970 (Emails between Joe Silva and athlete representative re: Alan Jouban)	3/2/15
30.	ZFL-0823267 (Emails between Joe Silva and athlete re: Anthony Perosh)	6/5/15
31.	ZFL-0822937 (Emails between Joe Silva and athlete re: Mike Pyle)	6/5/15
32.	ZFL-0823286 (Emails between Joe Silva and athlete re: Daniel Kelly)	5/14/15
33.	ZFL-0467079 (Emails between Joe Silva and athlete representative re: Thiago Santos)	8/21/14
34.	The Guardian article titled "New York ends ban and becomes 50th state to legalize mixed martial arts"	3/22/16

Exhibit	Description	Date
35.	ZFL-2188045 (Email between Michael Mersch and athlete representative re: Jason Day vs. Kendall Grove)	3/9/09
36.	Excerpts of Deposition of Scott Coker (“Coker Dep.”)	8/3/17
37.	MMA Mania article titled “Bellator 192 ratings: 1.3 million viewers tune in for ‘Rampage vs. Sonnen’ main event”	1/24/18
38.	Excerpts of Deposition of Carlos Silva (“Carlos Silva Dep.”)	4/18/17
39.	MMA Junkie article titled “Emmy-winning producer Mark Burnett joins Professional Fighters League as investor, advisor”	4/1/18
40.	MMA Fighting article titled “Will Brooks announces he was cut by the UFC, is entering PFL’s \$1 million tournament”	2/14/18
41.	About ONE- One Championship	N/A
42.	Excerpts of Deposition of Lorenzo Fertitta (“Fertitta Dep.”)	3/23/17
43.	Excerpts of Deposition of Joe Silva (“Silva Dep.”)	6/7/17
44.	Excerpts of 30(b)(6) Deposition of Ike Lawrence Epstein on Fighter Compensation (“Compensation Dep.”)	8/15/17
45.	LEPLAINTIFFS-0042863 (Exclusive Commercial Rights Agreement between Plaintiff Vera and One Fighting Championship)	7/10/14
46.	Z.E._002623 (Exclusive Promotional Fight Agreement between Plaintiff Fitch and MMAWC (“WSOF”))	3/8/13
47.	Z.E._002594 (Exclusive Promotional Fight Agreement between Plaintiff Fitch and MMAWC (“WSOF”))	9/13/15
48.	MMA Fighting article “Jon Fitch signs with Bellator” (Mar. 1, 2018)	3/1/18
49.	Excerpts of First Deposition of Dr. Hal J. Singer (“Singer Dep.”)	9/27/17
50.	Excerpts of First Deposition of Dr. Andrew Zimbalist (“Zimbalist Dep.”)	9/25/17

51.	ZFL-1212124 (FTC Closing Letter)	1/25/12
52.	Excerpts of Plaintiffs' Answers to Defendant Zuffa, LLC's First Set of Interrogatories to Plaintiffs and Plaintiffs' Verifications.	9/16/16
53.	ZFL-1004962 (Email between Zuffa employees and athlete's representative re: Holly Holm)	5/13/14
54.	ZFL-0504035 (Email between Mike Mersch and athlete's representative re: Jake Shields)	6/19/10
55.	ZFL-0876450 (Email between Joe Silva and athlete's representative re: Brad Tavares)	10/24/14
56.	Excerpts of Deposition of Brandon Vera ("Vera Dep.")	2/16/17
57.	ZFL-0003676 (Ratification by Brandon Vera)	12/3/09
58.	LEPLAINTIFFS-0126559 (Letter from Cung Le to CA State Assembly)	5/24/12
59.	ZFL-0532059 (WEC Letter to Javier Vazquez re: Assignment of Contract to UFC)	11/29/10
60.	ZFL-2679837 (Email between Zuffa employees regarding Kyle Kingsbury)	2/27/09
61.	Expert Report of Elizabeth Kroger Davis	10/27/17
62.	Excerpt from <i>Strategic Management Cases: Competitiveness and Globalization</i>	2012
63.	MMA Fighting article titled "Leslie Smith launches Project Spearhead, a fighter-driven effort to get UFC athletes unionized"	2/13/18
64.	Excerpts from the Second Deposition of Dr. Hal J. Singer ("Singer Dep. II")	1/23/18
65.	ZFL-1037856 Letter to UFC athletes re: 2015 UFC Athlete Outfitting Policy	4/30/15
66.	Excerpts from 30(b)(6) Deposition of Ike Lawrence Epstein on Sponsorships ("Sponsorships Dep. II")	7/21/17
67.	ZFL-0493435 Exclusive Promotional and Ancillary Rights Agreement between Zuffa and Brock Lesnar	7/6/09

68.	Excerpts of Deposition of Cung Le (“Le Dep.”)	4/11/17
69.	ZFL-2535445 (Email between Michael Mersch and athlete’s representative re: trinity products no payment)	9/12/11
70.	ZFL-1489313 (Email between Michael Mersch and athlete’s representative re: Keith Jardine Vitazin)	7/10/12
71.	ZFL-0661259 (Sponsorship Request Form)	6/19/11
72.	Excerpts of 30(b)(6) Deposition of Michael Mossholder on Sponsorships (“Sponsorships Dep. I”)	11/30/16 12/1/16
73.	Newsday article titled “Dana White says Sage Northcutt deserves big paycheck”	1/30/16
74.	ZFL-2640268 (Emails between Joe Silva and athlete’s representative re: Ricardo Almeida)	10/16/07
75.	ZFL-2534954 (Email between Zuffa employees re: Shane Carwin)	1/21/10
76.	ZFL-0899197 (Email and attached letter to Anderson Silva’s representative re: contract offer)	3/9/13
77.	ZFL-0424398 (Letter to Josh Burkman re: Signing Bonus)	10/3/14
78.	ZFL-0127052 (Brock Lesnar Letter of Agreement)	9/13/11
79.	ZFL-0827820 (Email between Zuffa employees re: Wanderlei Silva vs. Chael Sonnen)	2/13/14
80.	Excerpts of Deposition of Sean Shelby (“Shelby Dep.”)	4/12/17
81.	ZFL-0895314 (Minimum Fighter Pay Deck)	1/15
82.	ZFL-1363950 (Email between Zuffa employees re: John Moraga’s Fox 8 Bonus)	8/12/13
83.	ZFL-1078501 (Excerpts from the Deposition of Dana White)	1/20/15
84.	ZFL-1009217 (Email between Zuffa employees re: Caraway)	5/16/13
85.	Excerpts of Deposition of Dana White (“White Dep.”)	8/9/17 8/10/17

86.	ZFL-0997899 (Emails between Zuffa employees re: Fighter Comps (Glover Teixeira))	12/5/13
87.	Summary of UFC Class Period Event Compensation by Number of Previous Bouts	N/A
88.	Summary of UFC Class Period Event Compensation by Number of Previous Wins	N/A
89.	Summary of UFC Class Period Event Compensation by Athlete Ranking	N/A
90.	ZFL-2196373 (Email between Michael Mersch and athlete representative re: John Hathaway agreements)	1/27/10
91.	ZFL-2197579 (Email between Michael Mersch and athlete representative re: licensing agreement?)	3/23/10
92.	Forms of Athlete Compensation	N/A
93.	ZFL-0018632 (Letter to Eddie Alvarez re: Signing Bonus)	8/28/14
94.	Z.E._001174 (Email between Joe Silva and athlete representative re: Kyle kings)	10/29/09
95.	ZFL-0112231 (Letter to Jon Jones re: Signing Bonus)	1/24/12
96.	ZFL-0130536 (Letter to Hector Lombard re: Signing Bonus)	4/27/12
97.	ZFL-2681281 (Letter to Benson Henderson re: Signing Bonus)	1/14/13
98.	ZFL-0001960 (Promotional and Ancillary Rights Agreement between Zuffa and Jon Fitch)	12/31/12
99.	ZFL-2655937 (Promotional and Ancillary Rights Agreement between Zuffa and Ronda Rousey)	10/1/15
100.	ZFL-0133858 (Promotional and Ancillary Rights Agreement between Zuffa and Roy Nelson)	11/13/13
101.	ZFL-0200442 (Promotional and Ancillary Rights Agreement between Zuffa and Chael Sonnen)	8/20/13

102.	ZFL-0158480 (Promotional and Ancillary Rights Agreement between Zuffa and Roy Nelson)	7/24/2013
103.	ZFL-0154198 (Promotional and Ancillary Rights Agreement between Zuffa and Gegard Mousasi)	11/15/14
104.	ZFL-2655805 (Promotional and Ancillary Rights Agreement between Zuffa and Alistair Overeem)	2/16/16
105.	ZFL-0107575 (First Amendment to Promotional and Ancillary Rights Agreement Dated December 29, 2014 between Zuffa and Quinton Jackson)	12/29/14
106.	ZFL-0146240 (Promotional and Ancillary Rights Agreement between Zuffa and Gilbert Melendez)	2/24/14
107.	ZFL-0393668 (Promotional and Ancillary Rights Agreement between Zuffa and Urijah Faber)	8/26/15
108.	ZFL-0039043(Promotional and Ancillary Rights Agreement between Zuffa and Phillip Brooks)	12/3/14
109.	Excerpt ZFL-2764800 (Athletes Receiving PPV Payments)	N/A
110.	ZFL-0809032 (Emails between Zuffa employees re: UFC 186 – Media in Los Angeles 4/19-4/20)	3/26/15
111.	ZFL-0825858 (Emails between Zuffa employees re: Fabricio Werdum-please verify and please look at present incidentals below)	5/7/15
112.	ZFL-0454501 (Bout Agreement between Zuffa and Mark Hunt)	2/17/15
113.	ZFL-2681122 (Promotional and Ancillary Rights Agreement between Zuffa and Holly Holm)	7/10/14
114.	ZFL-0394006 (Roy Nelson Letter of Agreement)	7/22/13
115.	ZFL-0107754 (Quinton Jackson Letter of Agreement)	4/23/14
116.	ZFL-0218256 (Cain Velasquez Letter of Agreement)	2/18/13
117.	ZFL-0945521 (Gilbert Melendez Letter of Agreement)	2/23/14
118.	Excerpt ZFL-2764800 – Athletes Receiving LOA Payments	N/A
119.	Excerpt ZFL-2764800 – Example of Athletes Receiving Fight of the Night Bonuses	N/A

120.	Excerpt ZFL-2764800 – Example of Athletes Receiving Knockout of the Night Bonuses	N/A
121.	Excerpt ZFL-2764800 – Example of Athletes Receiving Submission of the Night Bonuses	N/A
122.	Excerpt ZFL-2764800 – Example of Athletes Receiving Performance of the Night Bonuses	N/A
123.	ZFL-2284413 (Emails between Zuffa employees re: Bonus Suggestions and Cuts)	10/25/10
124.	ZFL-1003278 (Emails between Zuffa employees re: UFC 173 May 24 Las Vegas Bonuses)	5/27/14
125.	ZFL-2425059 (Email between Zuffa employees re: Shogun Rua- UFC 113)	5/14/10
126.	ZFL-1916874 (Excerpt of spreadsheet showing video game rights)	6/3/2014
127.	ZFL-0223914 (Zuffa Letter to Fabricio Werdum re: video game rights)	8/14/09
128.	ZFL-0177190 (Promotional and Ancillary Rights Agreement between Zuffa and Michel Prazeres)	6/14/14
129.	ZFL-0492672 (Merchandise Rights Agreement between Zuffa and Cung Le)	4/18/13
130.	ZFL-0477077 (Merchandise Rights Agreement between Zuffa and Cain Velasquez)	12/14/10
131.	ZFL-1367368 (Email between Michael Mersch and athlete representative re: Jorge Masvidal)	2/14/13
132.	ZFL-0246190 (Merchandise Rights Agreement between Zuffa and Urijah Faber)	10/5/09
133.	ZFL-1560180 (Sponsorship Agreement between Zuffa and Metro PCS)	12/13/11
134.	ZFL-2611339 (Sponsorship Endorsement Agreement between Metro PCS and Ronda Rousey)	2/21/15
135.	ZFL-1057413 (Sponsorship Agreement between Anheuser-Busch InBev and Zuffa)	12/18/13
136.	ZFL-0535724 (2015 Athlete Outfitting Policy)	7/14/2015

137.	Excerpts of Deposition of Robert H. Topel (“Topel Dep.”)	12/6/17
138.	Excerpts of Deposition of Shannon Knapp (“Knapp Dep.”)	4/11/17

DATED: April 6, 2018,

BOIES SCHILLER FLEXNER LLP

By: /s/ Stacey K. Grigsby
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Ultimate Fighting Championship and UFC